

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
2008 SEP -3 A 11:50 FOR THE DISTRICT OF MARLYAND

H&R BLOCK EASTERN ENTERPRISES, INC.)
AT BALTIMORE)
BY Plaintiff)
v.) Civil Action No. MJG-07-1822
CHARLES W. TURNBAUGH, in his official)
capacity as Commissioner of the Division of)
Financial Regulation of the Maryland)
Department of Labor, Licensing and Regulation)
Defendant.)

FINAL JUDGMENT

This matter having come before the Court on plaintiff H&R Block Eastern Enterprises, Inc.'s Motion for Partial Summary Judgment (Dkt. No. 21), defendant Commissioner Charles W. Turnbaugh's Cross-Motion for Summary Judgment (Dkt. No. 22), and the parties' Stipulation of Dismissal as to Count I (Dkt. No. 28), the Court hereby enters final judgment as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that Count I of the Complaint is dismissed without prejudice and with each side to bear its own costs.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Counts II and III of the Complaint are adjudicated as follows for the reasons set forth in the Court's Memorandum Decision dated July 29, 2008 (Dkt. No. 27):

1. It is DECLARED AND AJDUDGED that the following provisions of the Maryland Credit Services Business Act, Md. Code Ann., Com. Law, §§ 14-1901 *et seq.* are preempted by the National Bank Act, 12 U.S.C. §§ 21 *et seq.*, and regulations of the Office of the Comptroller of the Currency:
 - a. Section 14-1902(8) (interest rate prohibition),
 - b. Section 14-1906(a)(1) (three-day rescission period), and

- c. Section 14-1906(b) (rescission "without penalty or obligation").
2. It is DECLARED AND ADJUDGED that the following provisions of the Maryland Credit Services Business Act, Md. Code Ann., Com. Law, §§ 14-1901 *et seq.* are not preempted by the National Bank Act, 12 U.S.C. §§ 21 *et seq.* and regulations of the Office of the Comptroller of the Currency:
 - a. Section 14-1904 (separate disclosure statement),
 - b. Section 14-1905 (disclosure requirements),
 - c. Section 14-1906 (separate written contract),
 - d. Section 14-1903(b) (licensing requirement),
 - e. Section 14-1908 (surety bond requirement), and
 - f. Section 14-1911 (investigative powers).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Commissioner of the Division of Financial Regulation of the Maryland Department of Labor, Licensing and Regulation is permanently enjoined from enforcing as to H&R Block Eastern Enterprises, Inc. only those provisions of the Maryland Credit Services Businesses, Act, Md. Code Ann. Com. Law, §§ 14-1901 *et seq.* that were declared preempted in paragraph 1 above for the reasons set forth in the Court's Memorandum Decision dated July 29, 2008 (Dkt. No. 27).

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SO ORDERED this 2nd day of ~~August~~, 2008.

/s/
UNITED STATES DISTRICT JUDGE
MARVIN J. GARBIS